

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT CHRISTOPHER BAENZIGER,

Defendant.

CR 21–91–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on November 30, 2021. (Doc. 18.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C.

§ 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Robert Christopher Baenziger’s guilty plea after Mr. Baenziger appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a

guilty plea to one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (Count 1), as set forth in the Information. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 18) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Baenziger's motion to change plea (Doc. 5) is GRANTED and Mr. Baenziger is adjudged guilty as charged in Count 1 of the Information.

DATED this 20th day of December, 2021.



Dana L. Christensen, District Judge
United States District Court